

**THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 10, 2004**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Ron Crane, State Treasurer.

The Pledge of Allegiance was led by Logan Pedrow, Page.

Approval of Journal

February 10, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-ninth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

February 6, 2004

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 504 and H 514

/s/ Very truly yours,
DIRK A. KEMPTHORNE
Governor

February 9, 2004

Mr. Speaker:

I transmit herewith enrolled **S 1219, S 1231, and SCR 118** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1219, S 1231, and SCR 118** and, when so signed, ordered them returned to the Senate.

Report of Standing Committees

February 10, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 39, H 624, H 625, H 626, H 627, H 628, H 629, H 630, H 631, H 632, and HJR 10**.

FIELD(18), Chairman

HCR 39, H 624, H 625, H 629, and H 630 were referred to the State Affairs Committee.

H 626, H 627, and H 628 were referred to the Health and Welfare Committee.

H 631 and H 632 were referred to the Education Committee.

HJR 10 was referred to the Revenue and Taxation Committee.

February 10, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 36 and H 565**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HCR 36 and H 565**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 9, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 537, H 538, and H 567** and recommend that they do pass.

CROW, Chairman

H 537, H 538, and H 567 were filed for second reading.

February 9, 2004

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 487, H 488, H 489, H 490, H 491, H 492, H 493, H 494, H 495, H 496, and H 497** and recommend that they do pass.

BLACK, Chairman

H 487, H 488, H 489, H 490, H 491, H 492, H 493, H 494, H 495, H 496, and H 497 were filed for second reading.

February 9, 2004

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 499** and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

H 499 was placed on General Orders for consideration.

February 9, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 519** and **H 520** and recommend that they do pass.

FIELD(18), Chairman

H 519 and **H 520** were filed for second reading.

February 9, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 587** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

H 587 was placed on General Orders for consideration.

February 10, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 607** and recommend that it do pass.

DEAL, Chairman

H 607 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 16 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the cost of prescription drugs imposes a heavy burden on many Idahoans, particularly people of retirement age on fixed incomes; and

WHEREAS, Medicare beneficiaries made up almost 15% of the population in 1999, but accounted for about 40% of total United States prescription drug spending; and

WHEREAS, legislation passed by the United States Congress does nothing to curb the cost of prescription drugs purchased in the United States; and

WHEREAS, the assistance provided in that legislation does

not become effective until 2006; and

WHEREAS, prescription drugs of comparable quality are available in Canada, often at much less than the cost of the same drugs purchased in the United States; and

WHEREAS, the cost of prescription drugs purchased in the United States contributes to increasing costs for health care for public employees which is funded, in part, by state and federal tax dollars; and

WHEREAS, the cost for prescription drugs for Idaho Medicaid recipients was \$128 million in fiscal year 2003 and is projected at \$150.5 million in fiscal year 2005; and

WHEREAS, between 1998 and 2000, prices for all prescription drugs rose at more than triple the rate of inflation and brand-name drug prices rose nearly four times as fast as the rate of inflation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge Congress to pass and approve legislation freeing the people of the United States and state and local government entities to legally purchase prescription drugs in Canada based on a list developed by state boards of pharmacy to assure quality. Further study and investigation should be undertaken to assure that the citizens of the state of Idaho and of the United States have access to prescription drugs at reasonable prices to assure their good health.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 16 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 633 BY RESOURCES AND CONSERVATION COMMITTEE AN ACT

RELATING TO FORFEITURE OF WATER RIGHTS; AMENDING SECTION 42-223, IDAHO CODE, TO PROVIDE THAT NO PORTION OF ANY WATER RIGHT SHALL BE LOST OR FORFEITED FOR NONUSE IF THE NONUSE RESULTS FROM THE WATER RIGHT BEING USED FOR MITIGATION PURPOSES APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES INCLUDING AS A CONDITION OF APPROVAL FOR A NEW WATER RIGHT APPROPRIATION, A WATER RIGHT TRANSFER, A WATER EXCHANGE OR A MITIGATION PLAN.

HOUSE BILL NO. 634 BY RESOURCES AND CONSERVATION COMMITTEE AN ACT

RELATING TO IRRIGATION AND DRAINAGE

EASEMENTS AND RIGHTS-OF-WAY; AMENDING SECTION 31-3805, IDAHO CODE, TO REQUIRE PRIOR APPROVAL FROM THE OWNERS OF IRRIGATION OR DRAINAGE EASEMENTS OR RIGHTS-OF-WAY FOR ENCROACHMENTS BEFORE A SUBDIVISION PLAT OR AMENDMENTS WILL BE ACCEPTED, APPROVED AND RECORDED AND TO REQUIRE NOTIFICATION; AMENDING SECTION 42-1102, IDAHO CODE, TO REQUIRE PERMISSION FROM OWNERS OF IRRIGATION RIGHTS-OF-WAY FOR ENCROACHMENTS OF ANY KIND ON THE RIGHTS-OF-WAY; AMENDING SECTION 42-1208, IDAHO CODE, TO CLARIFY THAT PROTECTION FROM ADVERSE POSSESSION APPLIES TO EASEMENTS AS WELL AS TO RIGHTS-OF-WAY OF IRRIGATION AND DRAINAGE DISTRICTS; AND AMENDING CHAPTER 12, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1209, IDAHO CODE, TO REQUIRE WRITTEN PERMISSION OF THE OWNER OF AN IRRIGATION OR DRAINAGE EASEMENT OR RIGHT-OF-WAY BEFORE ENCROACHMENTS OF ANY KIND ARE PERMITTED.

HOUSE BILL NO. 635

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO JURISDICTION OF THE DEPARTMENT OF WATER RESOURCES; AMENDING SECTION 42-1711, IDAHO CODE, TO FURTHER DEFINE THE TERM "DAM" TO CLARIFY THE JURISDICTION OF THE DEPARTMENT OF WATER RESOURCES; DECLARING AN EMERGENCY AND PROVIDING APPLICATION TO PENDING PROCEDURES.

HOUSE BILL NO. 636

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO WATER RIGHTS; AMENDING SECTION 42-202B, IDAHO CODE, TO FURTHER DEFINE "CONSUMPTIVE USE"; AND AMENDING SECTION 42-222, IDAHO CODE, TO CLARIFY THAT CONSUMPTIVE USE DOES NOT AFFECT OR LIMIT A PROPOSED WATER RIGHT.

HOUSE BILL NO. 637

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO THE BOARD OF SCALING PRACTICES; AMENDING SECTION 38-1209, IDAHO CODE, TO DECREASE THE MINIMUM NUMBER OF MEETINGS THE BOARD SHALL HOLD IN EACH CALENDAR YEAR AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 638

BY COMMERCE AND HUMAN RESOURCES

COMMITTEE

AN ACT

RELATING TO SALARIES AND BENEFITS OF STATE EMPLOYEES; AMENDING SECTION 67-5309A, IDAHO CODE, TO PROVIDE THAT IT IS THE INTENT OF THE

LEGISLATURE THAT A BENEFIT SURVEY SHALL BE CONDUCTED ANNUALLY FOR THE PURPOSE SPECIFIED; AND AMENDING SECTION 67-5309B, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR SHALL CONDUCT OR APPROVE BENEFIT SURVEYS, TO PROVIDE THAT THE ADMINISTRATOR SHALL SUBMIT REPORTS OF THE RESULTS OF SALARY AND BENEFIT SURVEYS TO THE GOVERNOR BY DECEMBER FIRST OF EACH YEAR, TO PROVIDE THAT THE GOVERNOR SHALL SUBMIT HIS RECOMMENDATIONS TO THE LEGISLATURE, TO PROVIDE FOR A LEGISLATIVE RESPONSE TO THE GOVERNOR'S RECOMMENDATIONS, AND TO PROVIDE THAT THE ADMINISTRATOR SHALL ALSO USE PAY SCHEDULES WHEN IMPLEMENTING THE RESULTS OF SALARY CHANGES BY RULE.

HOUSE BILL NO. 639

BY COMMERCE AND HUMAN RESOURCES

COMMITTEE

AN ACT

RELATING TO THE PERSONNEL SYSTEM AND HOLIDAY PAY; AMENDING SECTION 67-5302, IDAHO CODE, TO CLARIFY THAT A HOLIDAY IS EIGHT HOURS OF EXEMPTION FROM WORK GRANTED TO EMPLOYEES WITH COMPENSATION AS IF THEY ACTUALLY WORKED.

HOUSE BILL NO. 640

BY JUDICIARY, RULES, AND ADMINISTRATION

COMMITTEE

AN ACT

RELATING TO MEDICAL EXAMINATIONS; AMENDING CHAPTER 43, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4307, IDAHO CODE, TO SET FORTH PATIENT RIGHTS RELATED TO MEDICAL EXAMINATIONS.

HOUSE BILL NO. 641

BY JUDICIARY, RULES, AND ADMINISTRATION

COMMITTEE

AN ACT

RELATING TO DRUG CRIMES; AMENDING SECTION 37-2739B, IDAHO CODE, TO PROVIDE FOR SENTENCING IN CASES INVOLVING CERTAIN DRUG CRIMES WHERE THE VIOLATION OCCURRED WITHIN ONE THOUSAND FEET OF A HEAD START, PRESCHOOL, DAY CARE CENTER, FAMILY DAY CARE HOME OR GROUP DAY CARE FACILITY OR ANY SPONSORED ACTIVITY BY SAID FACILITIES; AND AMENDING SECTION 20-525A, IDAHO CODE, TO PROHIBIT THE EXPUNGEMENT OF CONVICTIONS FOR CERTAIN DRUG CRIMES FROM JUVENILE RECORDS WHERE THE CRIMES OCCURRED WITHIN ONE THOUSAND FEET OF A HEAD START, PRESCHOOL, DAY CARE CENTER, FAMILY DAY CARE HOME OR GROUP DAY CARE FACILITY OR ANY SPONSORED ACTIVITY BY SAID FACILITIES.

HOUSE BILL NO. 642

BY JUDICIARY, RULES, AND ADMINISTRATION

COMMITTEE**AN ACT**

RELATING TO ADMINISTRATIVE JUDGES; AMENDING SECTION 1-703, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ELECTION OF ADMINISTRATIVE JUDGES, TO PROVIDE THAT THE TERM OF SERVICE OF ELECTED AND APPOINTED ADMINISTRATIVE JUDGES SHALL BE PROVIDED BY THE RULES OF THE IDAHO SUPREME COURT AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 643**BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE****AN ACT**

RELATING TO LIMITATION OF ACTIONS; AMENDING CHAPTER 2, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-228A, IDAHO CODE, TO PROVIDE FOR A SPECIFIED EXTENSION OF TIME FOR COMMENCING ACTIONS OR FILING DOCUMENTS SUBJECT TO LIMITATIONS OF ACTIONS IN THE EVENT OF CLOSURE OF THE OFFICE OF THE CLERK OF THE DISTRICT COURT UPON CERTAIN CONDITIONS.

HOUSE BILL NO. 644**BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE****AN ACT**

RELATING TO COURT ASSISTANCE OFFICES AND COORDINATED FAMILY SERVICES; AMENDING CHAPTER 14, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1406, IDAHO CODE, TO AUTHORIZE THE SUPREME COURT TO ESTABLISH CERTAIN FEES RELATING TO MATERIALS, TRAINING AND OTHER SERVICES PROVIDED BY COURT ASSISTANCE OFFICES AND COORDINATED FAMILY SERVICES, TO PROVIDE FOR WAIVERS OF THE FEES AND TO PROVIDE FOR THE COLLECTION, DEPOSIT AND DEDICATION OF THE FEES.

HOUSE BILL NO. 645**BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO RETAIL SALE OF LIQUOR; AMENDING SECTION 23-955, IDAHO CODE, TO PROVIDE APPLICATION OF PROVISIONS GOVERNING SPLIT OWNERSHIP OF A FACILITY TO A GOLF COURSE AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 646**BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO THE IDAHO HEALTH FACILITIES AUTHORITY ACT; AMENDING SECTION 39-1443, IDAHO CODE, TO CLARIFY THAT THE TERM "HEALTH INSTITUTION" INCLUDES PRIVATE NOT FOR PROFIT HOSPITALS, CORPORATIONS OR INSTITUTIONS OR PUBLIC HOSPITALS OR INSTITUTIONS AUTHORIZED BY LAW TO PROVIDE OR OPERATE HEALTH FACILITIES

WHETHER DIRECTLY OR INDIRECTLY THROUGH AFFILIATES IN IDAHO AND TO MAKE TECHNICAL CHANGES.

HOUSE BILL NO. 647**BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO LIABILITY OF GOVERNMENTAL ENTITIES; AMENDING SECTION 6-903, IDAHO CODE, TO PROVIDE FOR REQUIRED SPECIFIC PLEADINGS FOR ANY CLAIM ALLEGING PERSONAL LIABILITY BY A PUBLIC EMPLOYEE, TO PROVIDE FOR DISMISSAL OF CLAIMS IF CERTAIN CIRCUMSTANCES OCCUR, TO PROVIDE FOR THE AWARD OF REASONABLE ATTORNEY'S FEES TO THE PUBLIC EMPLOYEE IF CERTAIN CIRCUMSTANCES OCCUR AND TO DEFINE THE TERM "PUBLIC EMPLOYEE."

HOUSE BILL NO. 648**BY APPROPRIATIONS COMMITTEE****AN ACT**

RELATING TO THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE ACT; AMENDING SECTION 39-7112, IDAHO CODE, TO CREATE THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE FUND AND TO PROVIDE THAT RECOVERIES BY THE STATE FOR REIMBURSED COSTS SHALL BE DEPOSITED TO THE FUND.

H 633, H 634, H 635, H 636, H 637, H 638, H 639, H 640, H 641, H 642, H 643, H 644, H 645, H 646, H 647, and H 648 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HJR 9, by Judiciary, Rules, and Administration committee, was read the second time by title and filed for third reading.

H 581, by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 500 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall **H 500** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle,

Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Bedke. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 500** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 564 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Campbell to open debate.

The question being, "Shall **H 564** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 68.

NAYS -- McKague, Wood. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 564** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 563 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sayler to open debate.

The question being, "Shall **H 563** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Ridinger, Ring, Ringo, Roberts, Robison,

Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 60.

NAYS -- Barrett, Bauer, Bayer, Ellsworth, Harwood, Kulczyk, Moyle, Raybould, Sali, Wood. Total -- 10.

Total -- 70.

Whereupon the Speaker declared **H 563** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 562 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Edmunson to open debate.

The question being, "Shall **H 562** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Moyle, Wood. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 562** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 561 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smylie to open debate.

The question being, "Shall **H 561** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 561** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 560 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Miller and Ms. Skippen to open debate.

The question being, "Shall **H 560** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Ridinger, Ring, Ringo, Robison, Rydalch, Saylor, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 52.

NAYS -- Barrett, Bayer, Bedke, Bradford, Crow, Eberle, Ellsworth, Harwood, Kulczyk, McGeachin, McKague, Moyle, Raybould, Roberts, Sali, Schaefer, Smylie, Wood. Total -- 18.
Total -- 70.

Whereupon the Speaker declared **H 560** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that the House recess until 1:30 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:30 p.m.

RECESS

Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused -- Gagner. Total -- 1.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 559 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall **H 559** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Saylor, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 57.

NAYS -- Barrett, Crow, Harwood, McKague, Schaefer, Wood. Total -- 6.

Absent and excused -- Black, Deal, Gagner, Garrett, Miller, Rydalch, Shepherd. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 559** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 558** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

H 542 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 542** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Harwood, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 55.

NAYS -- Douglas, Henbest, Jaquet, Langhorst, Pasley-Stuart, Robison, Saylor. Total -- 7.

Absent and excused -- Black, Gagner, Garrett, Miller, Roberts, Rydalch, Sali, Smith(24). Total -- 8.

Total -- 70.

Whereupon the Speaker declared **H 542** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 540 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

The question being, "Shall **H 540** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Black, Gagner, Garrett, Miller, Roberts, Rydalch, Sali. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 540** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 554 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall **H 554** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Bradford, Campbell, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- Cannon. Total -- 1.

Absent and excused -- Black, Gagner, Garrett, Miller, Roberts, Rydalch. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 554** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 546 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 546** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Black, Gagner, Garrett, Miller, Roberts, Rydalch. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 546** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 547 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Andersen to open debate.

The question being, "Shall **H 547** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Gagner, Garrett, Miller, Roberts, Rydalch. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 547** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 548 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 548** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell,

Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Crow, Gagner, Garrett, Miller, Roberts, Rydalch. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 548** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

SCR 119 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall **SCR 119** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Henbest, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, McGeachin, Meyer, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 54.

NAYS -- Barrett, Bedke, Clark, Harwood, Kulczyk, Lake, McKague, Moyle, Raybould, Sali, Wood. Total -- 11.

Absent and excused -- Crow, Edmunson, Gagner, Miller, Roberts. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **SCR 119** adopted and ordered the resolution returned to the Senate.

H 605 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block to open debate.

The question being, "Shall **H 605** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer,

Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Crow, Gagner, Roberts. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 605** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **SCR 120** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

H 505 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McKague to open debate.

The question being, "Shall **H 505** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Barraclough, Crow, Gagner, Roberts. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 505** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 506 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Schaefer to open debate.

The question being, "Shall **H 506** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood,

Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Barraclough, Crow, Gagner, Roberts.

Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 506** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 502** retain its place on the Third Reading Calendar until Monday, February 16, 2004. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that **H 483** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

H 483 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **H 483** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Henbest, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 62.

NAYS -- Harwood, Kulczyk, Naccarato. Total -- 3.

Absent and excused -- Barraclough, Crow, Gagner, Lake, Roberts. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 483** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11 a.m., Wednesday, February 11, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:24 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk